

OCT 17 2002

URGENT LEGAL MATTER - - PROMPT REPLY NECESSARY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

See enclosed list of addressees

Re: Request for Information Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., re: the Berry's Creek Superfund Study Area, Bergen County, New Jersey.

Dear [see enclosed list of addressees]:

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threat of release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. Sections 9601-9675.

EPA has documented the release and threat of release of hazardous substances into the environment at the Berry's Creek Study Area, Bergen County, New Jersey (the "Study Area"). In response to the release and threat of release of hazardous substances at the Study Area, EPA has spent public funds and anticipates spending additional public funds pursuant to CERCLA.

Under CERCLA and other laws, responsible parties may be held liable for monies expended by the federal government in taking response actions at and around sites where hazardous substances have been released, including investigative, planning, removal, remedial and enforcement actions. Responsible parties also may be subject to orders requiring them to take response actions themselves. Responsible parties under CERCLA include, among others, the current and past owners or operators of a facility from which there has been a release or threatened release of hazardous substances, persons that arranged for the treatment or disposal of

CONCURRENCES

Name: S.Ausubel	Init:	Date:	Filename: G:\USER\SHARE\CNJRS\Berry's Creek 104e generic concurrence.wpd				
Symbol	ERRD-NJRB	ERRD-NJRB	ERRD-NJRB	ORC-NJSB	ERRD		
Surname	Ausubel	Prince	Petersen	Monroe	Conetta		
Date	9/27/02	9/27/02		10/3/02	10/10/02		

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hazardous substances which were sent to such a facility, and persons that transported hazardous substances to such a facility.

The Study Area is the water body known as Berry's Creek, including the Berry's Creek Canal and the natural course of Berry's Creek; and all water bodies tributary to Berry's Creek, from its headwaters to the Hackensack River; and wetlands that are hydrologically connected to Berry's Creek and/or its tributaries. Additionally, the Study Area includes upland properties in the Berry's Creek watershed. Numerous facilities located near the Study Area have or may have contributed contamination to the Study Area. These include three National Priorities List (NPL) sites, as well as other CERCLA and non-CERCLA hazardous waste sites, industrial sites and properties. These sites lie within portions of the Boroughs of Carlstadt, Wood-Ridge, Rutherford, East Rutherford, Moonachie, Hasbrouck Heights, Little Ferry, Lyndhurst, and Teterboro. Available information indicates that contaminants released from these sites are intermixed in the surface water, groundwater, sediments and wetland soils of the Study Area.

EPA and the New Jersey Department of Environmental Protection (NJDEP) are addressing the myriad contamination problems associated with the many potential upland contamination sources to Berry's Creek; many of these upland sources have been addressed, though several still remain.

EPA has determined that an RI/FS under CERCLA must be conducted to complete the investigatory work at the Study Area and to evaluate remedial action alternatives. The RI/FS will include, but is not limited to, identifying Study Area characteristics; defining the nature and extent of sediment, soil, surface water and groundwater contamination, as well as the risks posed by contamination in the Study Area; determining the impacts of continuing contaminant sources to the Study Area; and evaluating different cleanup options for the Study Area. EPA is issuing this Request For Information to clarify the status of numerous parties in the Berry's Creek watershed as potentially responsible parties under CERCLA with regard to the Study Area.

Please be advised that EPA has been asked by one of the stakeholders with an interest in the Berry's Creek watershed to consider suggestions for additional approaches to protecting the environment and facilitating the use of environmental resources in that watershed beyond those traditionally used in connection with the Superfund program. The Superfund program is expected to be part of any approach to remediation and restoration of Berry's Creek; however, EPA is of course willing to consider any suggestions from private parties, state and/or local governments concerning additional alternatives. The information gathered pursuant to this information request will (except to the extent it may include confidential business information or Privacy Act information) be available to any interested party for review.

INFORMATION REQUEST

Under Section 104(e) of CERCLA, 42 U.S.C. §104(e), EPA has broad information gathering authority which allows EPA to require persons to provide information or documents relating to the materials generated, treated, stored or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or

from a facility, and the ability of a person to pay for or perform a cleanup.

While EPA seeks your cooperation, your compliance with the Request for Information is required by law. When you have prepared your response to the enclosed Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with your response **within 30 calendar days of your receipt of this letter**. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. Section 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

Some of the information EPA is requesting may be considered by you to be confidential business information. Please be aware that you may not withhold the information on that basis. If you wish EPA to treat all or part of the information confidentially, you must advise EPA of that fact by following the procedures described in the Instructions included in the enclosed Request for Information, including the requirement of supporting your claim of confidentiality.

If you have information about other parties who may have information which may assist EPA in its investigation of the Study Area or may be responsible for the contamination at the Study Area, that information should be submitted to EPA within the time frame noted above.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our Request for Information, it is necessary that you promptly notify EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Sections 3501-3520.

Your response to this Request for Information should be mailed to:

Seth Ausubel
Remedial Project Manager
United States Environmental Protection Agency
Region II
Emergency and Remedial Response Division
290 Broadway, 19th Floor
New York, NY 10007-1866

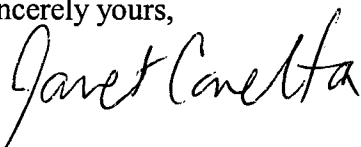
with a copy to:

Clay Monroe
Assistant Regional Counsel
Office of Regional Counsel
290 Broadway, 17th Floor
New York, NY 10007-1866

Due to the seriousness of these matters, EPA urges that immediate attention and prompt responses be given to this letter.

If you have any questions regarding the Request for Information, or would like to discuss this matter with EPA, please call Seth Ausubel at (212) 637-4976, or have your attorney call Clay Monroe, Assistant Regional Counsel, at (212) 637-3142.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Janet Conetta".

Janet Conetta, Strategic Integration Manager
Emergency and Remedial Response Division

Enclosure

cc: Gwen Zervas, NJDEP